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Page 1

Name: Examiner Kaitlin Joerger
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From: Christopher J. Reckamp
Date: March 24, 2004
Client No.: 34420.00.0003

Fax No.: 703-872-9306
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PTO/SB/97 (08-03)


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Pursuant to a telephone conference with Examiner Joerger, the Examiner requested that we fax the attached Petition to Withdraw Abandonment Due to PTO Error to the general fax number, 703-872-9306. The following documents are enclosed:

Petition to Withdraw Abandonment Due to PTO Error; copy of response filed 11/26/2003; copy of transmittal form filed 11/26/2003; copy of Petition for one month extension of time filed 11/26/2003; copy of return postcard date stamped 12/1/2003; Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b); Fee Transmittal and duplicate; and Statement of Personal Knowledge by Patricia O'Donoghue Regarding First Class Mailing.

Applicant: Helmut Koelle
Serial No.: 10/069,811
Examiner: Kaitlin S. Joerger

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-03)

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FEE TRANSMITTAL
for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT**

(\$ 1460.00)

Complete if Known

Application Number	10/069,811
Filing Date	07/08/2002
First Named Inventor	Helmut Koelle
Examiner Name	Kaitlin S. Joerger
Art Unit	3653
Attorney Docket No.	34420.00.0003

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:

Deposit Account Number	22-0259
Deposit Account Name	Vedder, Price, Kaufman & Kammholz, P.C.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$ 0.00)**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20* =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 88	2201 43	Independent claims in excess of 3
1203 280	2203 145	Multiple dependent claim, if not paid
1204 88	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0.00)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	2053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	1330.00
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	130.00
1807 50	1807 50	Processing fee under 37 CFR 1.17(g)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1808 770	2808 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 1460.00)**SUBMITTED BY**

Name (Print/Type)	Christopher J. Reckamp	Registration No. (Attorney/Agent)	34,414	Telephone	312-609-7599
Signature	<i>Christopher J. Reckamp</i>	Date	3-24-04		

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MAR 24 2004

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICIAL

Applicant: Helmut Koelle
Serial No.: 10/069,811
Filing Date: July 8, 2002
Confirmation No.: 5239Examiner: Kaitlin S. Joerger
Art Unit: 3653
Docket No.: 34420.00.0003Title: **METHOD AND DEVICE FOR TRANSFERRING AT LEAST TWO
SHINGLED SHEETS TO A SHEET HANDLING MACHINE**Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450Certificate of Facsimile Transmission

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Fax No. (703) 872-9306 and addressed to: Mail Stop
Petition, Commissioner for Patents, P.O. Box 1450,
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3-24-04
DateChristine A. Wright
Christine A. WrightPETITION TO WITHDRAW ABANDONMENT DUE TO PTO ERROR (\$1.181)

Dear Sir:

Applicant's attorney was notified by the Examiner on March 11, 2004 that a response to the Office Action dated July 29, 2003 was never received. The Examiner requested that we send this request facsimile to the general facsimile number. Applicant filed a response to the Office Action dated July 29, 2003, on November 26, 2003, as evidenced by the attached transmittal form, certificate of mailing and a Petition for one month extension of time. Applicant also encloses a copy of the return postcard that was date stamped as being received in the U.S. Patent Office on December 1, 2003. Per the Examiner's request, a signed Statement of Personal Knowledge by Patricia O'Donoghue Regarding First Class Mailing is enclosed stating that the response was mailed via first class mail on November 26, 2003. Applicant respectfully petitions the Commissioner for Withdrawal of Abandonment and Reinstatement of the Application since Applicant timely filed a response that was apparently lost.


In the alternative, if abandonment is not deemed due to U.S. Patent Office error, Applicant attaches hereto a Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b).

A fee transmittal authorizing payment of the requisite fee is attached herewith.

Applicant's attorney signing below has made the statements above based on personal knowledge of the facts surrounding the abandonment.

Respectfully submitted,

Date: 3-24-04

By: 
Christopher J. Reckamp
Registration No. 34,414

Vedder, Price, Kaufman & Kammholz, P.C.
222 N. LaSalle Street
Chicago, IL 60601
(312) 609-7500
FAX: (312) 609-5005

Arty. Docket 34420.00.0003

IN THE UNITED STATES

☐ RECEIVING OFFICE (RO/US)
☒ DESIGNATED OFFICE
(DO/US)
☐ ELECTED OFFICE (EO/US)

INTERNATIONAL APPLICATION NO.

INTERNATIONAL FILING DATE

PRIORITY DATE ALLOWED

PCT EP00/07801

10 AUGUST 2000

25 AUGUST 1999

TITLE OF INVENTION: METHOD AND DEVICE FOR TRANSFERRING AT LEAST TWO
SHINGLED SHEETS TO A SHEET HANDLING MACHINE

APPLICANT(s)

Helmut KOELLE

Mail Stop PCT

Commissioner for Patents

P. O. Box 1450

Washington DC 20231-1450

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November 26, 2003

Patricia O'Donoghue

AMENDMENT AND RESPONSE

In response to the office action mailed July 29, 2003, please amend the above-
identified application as follows:

In the Claims:

Please amend claim 2 and add new claims 17, 18, 19, and 20 as follows:

1. (Previously Amended) A method of transferring at least two sheets, which are arranged in a shingled mode of arrangement in a sheet transport direction, to a sheet handling machine in which the at least two sheets are moved at a first speed after the transfer, a first and a second sheet of the at least two sheets being spaced by a certain length of displacement in the sheet transport direction, the method comprising the following steps:

(a) supplying the at least two sheets in the shingled mode of arrangement to the sheet handling machine at a second speed, the second speed being higher than the first speed; and

(b) decelerating the second sheet to a third speed as soon as the first sheet is decelerated to the first speed in the sheet handling machine, the third speed being lower than the second speed, thereby maintaining a shingled arrangement of the at least two sheets.

2. (Currently Amended) A method according to claim 1, wherein a leading edge of the first sheet in the sheet transport direction and a leading edge of the second sheet [which is the leading edge] in the sheet transport direction are displaced relative to one another [an-other] by the length of displacement, the first sheet being decelerated at the leading edge thereof and the second sheet being decelerated at a [an] rear edge in the sheet transport direction.

3. (Previously Amended) A method according to claim 1, the method comprising the following steps:

(c) advancing the at least two sheets in the sheet handling machine by a distance which is determined by the sheet format and the length of displacement; and

(d) repeating steps (a) to (c) for an additional pair of sheets arranged in a shingled mode of arrangement in the sheet transport direction.

4. (Original) A method according to claim 3, wherein the additional pair of sheets is deposited in the sheet handling machine shingled in an ascending or descending mode.

5. (Previously Amended) A method according to claim 1, wherein the first speed is 0.25 m/s, the second speed is 3 m/s, and the third speed is 2 m/s.

6. (Previously Amended) A method according to claim 1, wherein the third speed is equal to the first speed.

7. (Previously Amended) A device for transferring at least two sheets, which are arranged in a shingled mode of arrangement in a sheet transport direction, to a sheet handling machine which comprises a first transport unit which moves the at least two sheets at a first speed after the transfer, a first and a second sheet of the at least two sheets being spaced by a certain length of displacement in the sheet transport direction, the device comprising:

a feed roll which feeds the at least two sheets in the shingled mode of arrangement to the sheet handling machine at a second speed, the second speed being higher than the first speed; and

a brake roll which decelerates the second sheet to a third speed as soon as the first sheet is decelerated by the transport unit, the third speed being lower than the second speed, thereby maintaining a shingled arrangement of the at least two sheets.

8. (Previously Amended) A device according to claim 7, wherein the transport unit comprises a first shingle roll which engages the edge of the first sheet constituting the leading edge in the sheet transport direction, and wherein, as soon as the shingle roll has engaged the first sheet, the brake roll engages the edge of the second sheet constituting the trailing edge in the sheet transport direction.

9. (Previously Amended) A device according to claim 7, wherein the transport unit comprises a substantially continuously driven conveying belt and a plurality of shingle rolls which are pretensioned towards the conveying belt and which are spaced apart in the sheet transport direction by a distance determined by the sheet format and the sheet displacement.

10. (Previously Amended) A device according to claim 7 comprising a trap, which is arranged between the feed roll and the first shingle roll, the trap causing descending shingles of sheets in a first position and ascending shingles of sheets in a second position.

11. (Previously Amended) A device according to claim 10, wherein the brake roll is associated with a first sheet path along which the at least two sheets travel when the trap is at the first position, an additional brake roll being provided, which is associated with a second sheet path along which the at least two sheets travel when the trap is at the second position.

12. (Previously Amended) A device according to claim 7, wherein the sheet handling machine comprises:

a second transport unit, which is arranged after the first transport unit in the sheet transport direction, the first transport unit collecting the sheets continuously and transferring them to the second transport unit, when a predetermined number of sheets is arranged in the first transport unit, the sheets in the second transport unit being arranged in a shingled mode of arrangement in a sheet transport direction in such a way that the leading edges of the sheets in the sheet transport direction are spaced apart by a certain length of displacement, the second transport unit moving the sheets in a clocked mode in such a way that the sheets are displaced by a predetermined distance in the sheet transport direction, the distance depending on the number of sheets to be distributed and on the sheet displacement; and

a distributing unit which, when the sheets move in the transport unit, discharges from the sheet handling machine the respective leading sheet in the sheet transport direction.

13. (Previously Amended) A device according to claim 7, wherein the paper handling machine comprises:

a second transport unit which is arranged such that it extends parallel to the first transport unit,

a deflection means which is arranged in front of the first and second transport units when seen in the sheet transport direction and which conducts sheets to the first transport unit when occupying a first position and sheets to the second transport unit when occupying a second position, the deflection means switching over from the first to the second position, when a predetermined number of sheets has been received in the respective transport unit, and

a distributing unit arranged after the first and second transport unit when seen in the sheet transport direction,

wherein the transport unit having no sheets supplied thereto moves the sheets in a clocked mode in such a way that the sheets are displaced by a predetermined distance in the sheet transport direction, the distance depending on the number of sheets to be distributed and on the sheet displacement;

wherein, when the sheets are being moved, the distributing unit discharges from the paper handling machine the respective leading sheet in the sheet transport direction.

14. (Previously Amended) A device according to claim 12, wherein the second transport unit comprises a conveying belt and a plurality of transport rolls which are pretensioned towards the conveying belt and which are spaced apart in the sheet transport direction by a distance determined by the sheet displacement and by the sheet format.

15. (Previously Amended) A device according to claim 12, wherein the distributing unit includes a counter which detects the number of sheets distributed.

16. (Previously Amended) A device according to claim 7, wherein the third speed is equal to the first speed.

17. (New) A method of transferring at least two sheets, which are arranged in a shingled mode of arrangement in a sheet transport direction, to a sheet handling machine in which the at least two sheets are moved at a first speed after the transfer, a first and a second sheet of the at least two sheets being spaced by a certain length of displacement in the sheet transport direction, the method comprising the following steps:

(a) supplying the at least two sheets in the shingled mode of arrangement to the sheet handling machine at a second speed, the second speed being higher than the first speed; and

(b) decelerating the second sheet to a third speed as soon as the first sheet is decelerated to the first speed in the sheet handling machine, the third speed being lower than the second speed, thereby maintaining a shingled arrangement of the at least two sheets,

wherein a leading edge of the first sheet in the sheet transport direction and a leading edge of the second sheet in the sheet transport direction are displaced relative to one another by the length of displacement, the first sheet being decelerated at the leading edge thereof and the second sheet being decelerated at a rear edge in the sheet transport direction.

18. (New) A device for transferring at least two sheets, which are arranged in a shingled mode of arrangement in a sheet transport direction, to a sheet handling machine which comprises a first transport unit which moves the at least two sheets at a first speed after the transfer, a first and a second sheet of the at least two sheets being spaced by a certain length of displacement in the sheet transport direction, the device comprising:

a feed roll which feeds the at least two sheets in the shingled mode of arrangement to the sheet handling machine at a second speed, the second speed being higher than the first speed; and

a brake roll which decelerates the second sheet to a third speed as soon as the first sheet is decelerated by the transport unit, the third speed being lower than the second speed, thereby maintaining a shingled arrangement of the at least two sheets,

wherein the transport unit comprises a first shingle roll which engages the edge of the first sheet constituting the leading edge in the sheet transport direction, and wherein, as soon as the shingle roll has engaged the first sheet, the brake roll engages the edge of the second sheet constituting the trailing edge in the sheet transport direction.

19. (New) A method according to claim 1, wherein, in step (b), the first sheet is decelerated to the first speed by a shingle roll, and the second sheet is decelerated to the third speed by a brake roll.

20. (New) A device according to claim 7, wherein the transport unit comprises a first shingle roll which engages the first sheet, and wherein, as soon as the shingle roll has engaged the first sheet, the brake roll engages the second sheet.

REMARKS

The Applicants respectfully traverse and request reconsideration. Applicants wish to thank the Examiner for the notice that claims 2-4 and 8-15 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims. Support for new claim 5, 17-20 may be found at least on p.3, ¶¶ 2-7; p. 9, ¶¶ 3 and 4.

Claims 1, 5, 6, 7 and 16 stand rejected under 35 U.S.C. § 103(a) as being obvious based on U.S. Patent No. 5,158,278 (Auf der Mauer). However, Auf der Mauer does not suggest the transferring of at least two shingled sheets to a sheet handling machine in a manner as defined by the pending claims.

The present invention is concerned with the transferring of at least two shingled sheets to a sheet handling machine wherein the sheets in the sheet handling machine are moved at a first speed after the transfer. As to Claim 1, in the first step the two sheets are supplied with a second speed, which is higher than the first speed. In the second step the second sheet is decelerated to a third speed as soon as the first speed is decelerated to the first speed in the sheet handling machine. In other words, it is clear from the wording of claim 1 that decelerating the two sheets occurs in a manner, which is substantially simultaneous.

Additionally, claim 7 recites three sheet engagement means, the first being the feed roll which feeds the sheets with a second speed, the second being the transport unit which decelerates the first sheet once it arrives at the sheet handling machine, and the second being the brake roll which, as soon as the first sheet is decelerated by the transporting unit, decelerates the second sheet to the third speed.

Accordingly, Auf der Mauer fails to teach among other things transferring the shingled sheets to the sheet handling mechanism in a manner such that the sheets still remain shingled whereas the present invention teaches to substantially simultaneously decelerate the first and second sheets, an approach, which is not taught by Auf der Mauer.

In contrast, Auf der Mauer describes with regard to Figs. 4-7 the steps to be taken for forming a gap in a flow of shingled products 48, and for the subject matter of the present invention the actions taken at the inlet of the handling mechanism 14' is of specific interest, and here especially Fig. 6. As it is described in columns 11 and 12, performing a gap in the flow of products 48 a part of the products is slowed down and the other one is conveyed by

means of conveyor belt 28 at a second speed which is about 20 percent higher than the first speed at which the conveyor 14' operates. As it is outlined in column 12, lines 56-64, the products 48 delivered by the endless conveyor belt or band 28 at the second speed v2 to the conveyor 14' are braked down to the first speed v1 at the region of the weight roller 52', whereby the mutual overlap of the products 48 conveyed by the accelerating conveyor 30 at the higher speed v2 and the second conveyor 14' is increased in accordance with the speed difference between the second speed v2 and the first speed v1.

As can be seen from Figs. 4-7, once a sheet enters the nip between the conveyor 14' and the brake roller 52', same is braked down. At the same time, however, the second sheet or the next following sheet is not decelerated but still conveyed at the higher speed v2. Only once the second sheet also enters the nip between the roller 52' and conveyor 14', same is also decelerated.

However, it is clear that the deceleration of the second sheet is independent from the deceleration of the first sheet and only governed by the time it reaches the nip between the roller 52' and the conveyor 14'. Thus, Auf der Mauer does not teach to "decelerate" the second sheet as soon as the first sheet is decelerated.

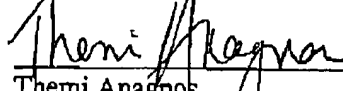
Nothing in Auf der Mauer teaches or suggests to modify the braking procedure disclosed therein in such a manner that the first and second sheet are decelerated substantially at the same time.

In addition, Applicants also submit that because claims 5 and 6 depend from claim 1 and claim 16 depends from claim 7, and as dependent claims therefrom, claims 5, 6 and 16 are allowable for at least reasons claims 1 and 7 are allowable. Applicants further submit, argued in part at least immediately above, that claims 5, 6 and 16 are allowable in light of the presence of novel and non-obvious elements contained in claims 5, 6 and 16 that are not otherwise present in claims 1 and 7.

Applicants respectfully submit that the claims are in condition for allowance. The Examiner is invited to contact the below-listed attorney if the Examiner believes that a telephone conference will advance the prosecution of this application.

November 26, 2003

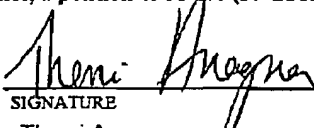
Respectfully submitted,


Themi Anagnos
Reg. No. 47,388

Vedder, Price, Kaufman & Kammholz, P.C.
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(312) 609-7500
(312) 609-5005

FORM PTO-1390 (REV. 01-2003)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER 34420.00.0003
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371				U.S. APPLICATION NO. (If known, see 37 CFR 1.3 10/069,811
INTERNATIONAL APPLICATION NO. PCT EP00/07801		INTERNATIONAL FILING DATE 10 AUGUST 2000		PRIORITY DATE CLAIMED 25 AUGUST 1999
TITLE OF INVENTION METHOD AND DEVICE FOR TRANSFERRING AT LEAST TWO SHINGLED SHEETS TO A SHEET HANDLING MACHINE				
APPLICANT(S) FOR DO/EO/US Helmut Koelle				
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:				
1. <input type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. 3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(c)). The submission must include items (3), (6), (9) and (21) indicated below. 4. <input type="checkbox"/> The US has been elected (Article 31). 5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)). 9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).				
Items 11 to 20 below concern document(s) or information included:				
11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input type="checkbox"/> A preliminary amendment. 14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A power of attorney and/or change of address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825. 18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). 20. <input checked="" type="checkbox"/> Other items or information: (1) Amendment and Response; (2) Petition For Extension Of Time Under 37 CFR 1.136(a)				

page 1 of 2

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/059,411		INTERNATIONAL APPLICATION NO. PCT EP00/07500		ATTORNEY'S DOCKET NUMBER 34420.00.0002		
21. <input type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)): Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO. \$1060.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$900.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$750.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$720.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00 ENTER APPROPRIATE BASIC FEE AMOUNT =				CALCULATIONS PTO USE ONLY		
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$		
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$		
Total claims	- 20 =		x \$18.00	\$		
Independent claims	4 - 3 =	1	x \$84.00	\$	84.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$280.00	\$		
TOTAL OF ABOVE CALCULATIONS =				\$		
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$		
SUBTOTAL =				\$		
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$		
TOTAL NATIONAL FEE =				\$		
Fee for recording the enclosed assignment (37 CFR 1.21(b)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$		
Petition for Extension of Time: \$110.00				\$	194.00	
TOTAL FEES ENCLOSED =				\$		
				Amount to be refunded:	\$	
				charged:	\$	
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed. b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>22-0259</u> in the amount of \$ <u>194.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>22-0259</u> . A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.						
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.						
SEND ALL CORRESPONDENCE TO: Christopher J. Reckamp Vedder Price Kaufman & Kammholz, P.C. 222 N. LaSalle Street, Ste. 2400 Chicago, IL 60601 November 26, 2003						
				 SIGNATURE Themis Anagnos NAME 47,388 REGISTRATION NUMBER		

FORM PTO-1350 (REV 01-2003) page 2 of 2

PTO/SB/22 (06-03)

Approved for use through 7/31/2006, OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional) 33420.00.0003
In re Application of Helmut Koelle		
Application Number 10/069,811		Filed July 8, 2002
For Method And Device For Transferring At Least Two Shingled Sheets To A Sheet Handling Machine		
Art Unit 5239		Examiner K. S. Joerger

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

<input checked="" type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$ 110.00
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$ _____
<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$ _____
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$ _____
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$ _____

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ _____.

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 22-0259.

I have enclosed a duplicate copy of this sheet.

I am the ☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).

☒ attorney or agent of record. Registration Number 47,388

☐ attorney or agent under 37 CFR 1.34(a).
Registration number if acting under 37 CFR 1.34(a) _____

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

November 26, 2003

Date

312-609-7500

Telephone Number

Themi Anagnos

Signature

Themi Anagnos

Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-5199 and select option 2.

Attorney: Themi Anagnos

Mailed: November 26, 2003

Docket No.: 33420.00.0003

Serial No.: 10/069,811

Title: METHOD AND DEVICE FOR TRANSFERRING AT LEAST TWO
SHINGLED SHEETS TO A SHEET HANDLING MACHINE

The stamp of the U.S. Patent & Trademark Office hereupon acknowledges receipt of the following:

- Transmittal Letter to the U.S. Designated/Elected Office (Form PTO-1390)
- Petition for A One Month Extension of Time (Form PTO/SB/22)
- Amendment and Response

DOCKETED

DT04 Rec'd PCT/PTO 01 DEC 2003

Applicable Fees: \$194.00

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Helmut Koelle
Serial No.: 10/069,811
Filing Date: July 8, 2002
Confirmation No.: 5239

Examiner: Kaitlin S. Joerger
Art Unit: 3653
Docket No.: 34420.00.0003

Title: **METHOD AND APPARATUS FOR TRANSFERRING AT LEAST TWO
SHINGLED SHEETS TO A SHEET HANDLING MACHINE**

Certificate of Facsimile Transmission

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
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I hereby certify that this paper is being sent via facsimile to
Fax No. (703) 872-9306 and addressed to: Mail Stop
Petition, Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450, on this date.

3-24-04
Date

Christine A. Wright
Christine A. Wright

**STATEMENT OF PERSONAL KNOWLEDGE BY PATRICIA O'DONOGHUE
REGARDING FIRST CLASS MAILING**

I hereby state that based on personal knowledge, the response attached hereto which includes my signature by the first class mailing certificate was mailed by first class mail on November 26, 2003 as stated in the first class mailing certificate. This personal knowledge is based on my use of normal office procedures with respect to first class mailing and the attached response was handled in a normal manner pursuant to our normal office procedures and was placed in the mail bin for pickup by our mail room personnel for first class mailing on November 26, 2003.

I acknowledge that willful false statements and the like are punishable by fine or imprisonment, or both and may jeopardize the validity of the application or any patent issuing thereon. All statements made of my own knowledge are true and all statements made on information and belief are believed to be true.

Dated: 3-23-04

Patricia O'Donoghue
Patricia O'Donoghue

Aity. Docket 3#420.00.0003

IN THE UNITED STATES

☐ RECEIVING OFFICE (RO/US)
☒ DESIGNATED OFFICE
(DO/US)
☐ ELECTED OFFICE (EO/US)

INTERNATIONAL APPLICATION NO.

INTERNATIONAL FILING DATE

PRIORITY DATE ALLOWED

PCT EP00/07801

10 AUGUST 2000

25 AUGUST 1999

TITLE OF INVENTION: METHOD AND DEVICE FOR TRANSFERRING AT LEAST TWO
SHINGLED SHEETS TO A SHEET HANDLING MACHINE

APPLICANT(s)

Helmut KOELLE

Mail Stop PCT
Commissioner for Patents
P. O. Box 1450
Washington DC 20231-1450

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the United States Postal Service as first-class mail in an
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1450 on this date.

November 26, 2003

Patricia O'Donoghue

AMENDMENT AND RESPONSE

In response to the office action mailed July 29, 2003, please amend the above-
identified application as follows:

In the Claims:

Please amend claim 2 and add new claims 17, 18, 19, and 20 as follows:

1. (Previously Amended) A method of transferring at least two sheets, which are arranged in a shingled mode of arrangement in a sheet transport direction, to a sheet handling machine in which the at least two sheets are moved at a first speed after the transfer, a first and a second sheet of the at least two sheets being spaced by a certain length of displacement in the sheet transport direction, the method comprising the following steps:

(a) supplying the at least two sheets in the shingled mode of arrangement to the sheet handling machine at a second speed, the second speed being higher than the first speed; and

(b) decelerating the second sheet to a third speed as soon as the first sheet is decelerated to the first speed in the sheet handling machine, the third speed being lower than the second speed, thereby maintaining a shingled arrangement of the at least two sheets.

2. (Currently Amended) A method according to claim 1, wherein a leading edge of the first sheet in the sheet transport direction and a leading edge of the second sheet [which is the leading edge] in the sheet transport direction are displaced relative to one another [an-other] by the length of displacement, the first sheet being decelerated at the leading edge thereof and the second sheet being decelerated at a [an] rear edge in the sheet transport direction.

3. (Previously Amended) A method according to claim 1, the method comprising the following steps:

(c) advancing the at least two sheets in the sheet handling machine by a distance which is determined by the sheet format and the length of displacement; and

(d) repeating steps (a) to (c) for an additional pair of sheets arranged in a shingled mode of arrangement in the sheet transport direction.

4. (Original) A method according to claim 3, wherein the additional pair of sheets is deposited in the sheet handling machine shingled in an ascending or descending mode.

5. (Previously Amended) A method according to claim 1, wherein the first speed is 0.25 m/s, the second speed is 3 m/s, and the third speed is 2 m/s.

6. (Previously Amended) A method according to claim 1, wherein the third speed is equal to the first speed.

7. (Previously Amended) A device for transferring at least two sheets, which are arranged in a shingled mode of arrangement in a sheet transport direction, to a sheet handling machine which comprises a first transport unit which moves the at least two sheets at a first speed after the transfer, a first and a second sheet of the at least two sheets being spaced by a certain length of displacement in the sheet transport direction, the device comprising:

a feed roll which feeds the at least two sheets in the shingled mode of arrangement to the sheet handling machine at a second speed, the second speed being higher than the first speed; and

a brake roll which decelerates the second sheet to a third speed as soon as the first sheet is decelerated by the transport unit, the third speed being lower than the second speed, thereby maintaining a shingled arrangement of the at least two sheets.

8. (Previously Amended) A device according to claim 7, wherein the transport unit comprises a first shingle roll which engages the edge of the first sheet constituting the leading edge in the sheet transport direction, and wherein, as soon as the shingle roll has engaged the first sheet, the brake roll engages the edge of the second sheet constituting the trailing edge in the sheet transport direction.

9. (Previously Amended) A device according to claim 7, wherein the transport unit comprises a substantially continuously driven conveying belt and a plurality of shingle rolls which are pretensioned towards the conveying belt and which are spaced apart in the sheet transport direction by a distance determined by the sheet format and the sheet displacement.

10. (Previously Amended) A device according to claim 7 comprising a trap, which is arranged between the feed roll and the first shingle roll, the trap causing descending shingles of sheets in a first position and ascending shingles of sheets in a second position.

11. (Previously Amended) A device according to claim 10, wherein the brake roll is associated with a first sheet path along which the at least two sheets travel when the trap is at the first position, an additional brake roll being provided, which is associated with a second sheet path along which the at least two sheets travel when the trap is at the second position.

12. (Previously Amended) A device according to claim 7, wherein the sheet handling machine comprises:

a second transport unit, which is arranged after the first transport unit in the sheet transport direction, the first transport unit collecting the sheets continuously and transferring them to the second transport unit, when a predetermined number of sheets is arranged in the first transport unit, the sheets in the second transport unit being arranged in a shingled mode of arrangement in a sheet transport direction in such a way that the leading edges of the sheets in the sheet transport direction are spaced apart by a certain length of displacement, the second transport unit moving the sheets in a clocked mode in such a way that the sheets are displaced by a predetermined distance in the sheet transport direction, the distance depending on the number of sheets to be distributed and on the sheet displacement; and

a distributing unit which, when the sheets move in the transport unit, discharges from the sheet handling machine the respective leading sheet in the sheet transport direction.

13. (Previously Amended) A device according to claim 7, wherein the paper handling machine comprises:

a second transport unit which is arranged such that it extends parallel to the first transport unit,

a deflection means which is arranged in front of the first and second transport units when seen in the sheet transport direction and which conducts sheets to the first transport unit when occupying a first position and sheets to the second transport unit when occupying a second position, the deflection means switching over from the first to the second position, when a predetermined number of sheets has been received in the respective transport unit, and

a distributing unit arranged after the first and second transport unit when seen in the sheet transport direction,

wherein the transport unit having no sheets supplied thereto moves the sheets in a clocked mode in such a way that the sheets are displaced by a predetermined distance in the sheet transport direction, the distance depending on the number of sheets to be distributed and on the sheet displacement;

wherein, when the sheets are being moved, the distributing unit discharges from the paper handling machine the respective leading sheet in the sheet transport direction.

14. (Previously Amended) A device according to claim 12, wherein the second transport unit comprises a conveying belt and a plurality of transport rolls which are pretensioned towards the conveying belt and which are spaced apart in the sheet transport direction by a distance determined by the sheet displacement and by the sheet format.

15. (Previously Amended) A device according to claim 12, wherein the distributing unit includes a counter which detects the number of sheets distributed.

16. (Previously Amended) A device according to claim 7, wherein the third speed is equal to the first speed.

17. (New) A method of transferring at least two sheets, which are arranged in a shingled mode of arrangement in a sheet transport direction, to a sheet handling machine in which the at least two sheets are moved at a first speed after the transfer, a first and a second sheet of the at least two sheets being spaced by a certain length of displacement in the sheet transport direction, the method comprising the following steps:

(a) supplying the at least two sheets in the shingled mode of arrangement to the sheet handling machine at a second speed, the second speed being higher than the first speed; and

(b) decelerating the second sheet to a third speed as soon as the first sheet is decelerated to the first speed in the sheet handling machine, the third speed being lower than the second speed, thereby maintaining a shingled arrangement of the at least two sheets,

wherein a leading edge of the first sheet in the sheet transport direction and a leading edge of the second sheet in the sheet transport direction are displaced relative to one another by the length of displacement, the first sheet being decelerated at the leading edge thereof and the second sheet being decelerated at a rear edge in the sheet transport direction.

18. (New) A device for transferring at least two sheets, which are arranged in a shingled mode of arrangement in a sheet transport direction, to a sheet handling machine which comprises a first transport unit which moves the at least two sheets at a first speed after the transfer, a first and a second sheet of the at least two sheets being spaced by a certain length of displacement in the sheet transport direction, the device comprising:

a feed roll which feeds the at least two sheets in the shingled mode of arrangement to the sheet handling machine at a second speed, the second speed being higher than the first speed; and

a brake roll which decelerates the second sheet to a third speed as soon as the first sheet is decelerated by the transport unit, the third speed being lower than the second speed, thereby maintaining a shingled arrangement of the at least two sheets,

wherein the transport unit comprises a first shingle roll which engages the edge of the first sheet constituting the leading edge in the sheet transport direction, and wherein, as soon as the shingle roll has engaged the first sheet, the brake roll engages the edge of the second sheet constituting the trailing edge in the sheet transport direction.

19. (New) A method according to claim 1, wherein, in step (b), the first sheet is decelerated to the first speed by a shingle roll, and the second sheet is decelerated to the third speed by a brake roll.

20. (New) A device according to claim 7, wherein the transport unit comprises a first shingle roll which engages the first sheet, and wherein, as soon as the shingle roll has engaged the first sheet, the brake roll engages the second sheet.

REMARKS

The Applicants respectfully traverse and request reconsideration. Applicants wish to thank the Examiner for the notice that claims 2-4 and 8-15 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims. Support for new claim 5, 17-20 may be found at least on p.3, ¶¶ 2-7; p. 9, ¶¶ 3 and 4.

Claims 1, 5, 6, 7 and 16 stand rejected under 35 U.S.C. § 103(a) as being obvious based on U.S. Patent No. 5,158,278 (Auf der Maur). However, Auf der Maur does not suggest the transferring of at least two shingled sheets to a sheet handling machine in a manner as defined by the pending claims.

The present invention is concerned with the transferring of at least two shingled sheets to a sheet handling machine wherein the sheets in the sheet handling machine are moved at a first speed after the transfer. As to Claim 1, in the first step the two sheets are supplied with a second speed, which is higher than the first speed. In the second step the second sheet is decelerated to a third speed as soon as the first speed is decelerated to the first speed in the sheet handling machine. In other words, it is clear from the wording of claim 1 that decelerating the two sheets occurs in a manner, which is substantially simultaneous.

Additionally, claim 7 recites three sheet engagement means, the first being the feed roll which feeds the sheets with a second speed, the second being the transport unit which decelerates the first sheet once it arrives at the sheet handling machine, and the second being the brake roll which, as soon as the first sheet is decelerated by the transporting unit, decelerates the second sheet to the third speed.

Accordingly, Auf der Maur fails to teach among other things transferring the shingled sheets to the sheet handling mechanism in a manner such that the sheets still remain shingled whereas the present invention teaches to substantially simultaneously decelerate the first and second sheets, an approach, which is not taught by Auf der Maur.

In contrast, Auf der Maur describes with regard to Figs. 4-7 the steps to be taken for forming a gap in a flow of shingled products 48, and for the subject matter of the present invention the actions taken at the inlet of the handling mechanism 14' is of specific interest, and here especially Fig. 6. As it is described in columns 11 and 12, performing a gap in the flow of products 48 a part of the products is slowed down and the other one is conveyed by

means of conveyor belt 28 at a second speed which is about 20 percent higher than the first speed at which the conveyor 14' operates. As it is outlined in column 12, lines 56-64, the products 48 delivered by the endless conveyor belt or band 28 at the second speed v2 to the conveyor 14' are braked down to the first speed v1 at the region of the weight roller 52', whereby the mutual overlap of the products 48 conveyed by the accelerating conveyor 30 at the higher speed v2 and the second conveyor 14' is increased in accordance with the speed difference between the second speed v2 and the first speed v1.

As can be seen from Figs. 4-7, once a sheet enters the nip between the conveyor 14' and the brake roller 52', same is braked down. At the same time, however, the second sheet or the next following sheet is not decelerated but still conveyed at the higher speed v2. Only once the second sheet also enters the nip between the roller 52' and conveyor 14', same is also decelerated.

However, it is clear that the deceleration of the second sheet is independent from the deceleration of the first sheet and only governed by the time it reaches the nip between the roller 52' and the conveyor 14'. Thus, Auf der Mauer does not teach to "decelerate" the second sheet as soon as the first sheet is decelerated.

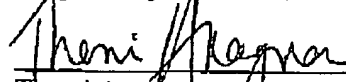
Nothing in Auf der Mauer teaches or suggests to modify the braking procedure disclosed therein in such a manner that the first and second sheet are decelerated substantially at the same time.

In addition, Applicants also submit that because claims 5 and 6 depend from claim 1 and claim 16 depends from claim 7, and as dependent claims therefrom, claims 5, 6 and 16 are allowable for at least reasons claims 1 and 7 are allowable. Applicants further submit, argued in part at least immediately above, that claims 5, 6 and 16 are allowable in light of the presence of novel and non-obvious elements contained in claims 5, 6 and 16 that are not otherwise present in claims 1 and 7.

Applicants respectfully submit that the claims are in condition for allowance. The Examiner is invited to contact the below-listed attorney if the Examiner believes that a telephone conference will advance the prosecution of this application.

November 26, 2003

Respectfully submitted,



Themi Anagnos
Reg. No. 47,388

Vedder, Price, Kaufman & Kammholz, P.C.
222 N. LaSalle Street, Suite 2600
Chicago, IL 60601
(312) 609-7500
(312) 609-5005

PTO/SB/64 (06-03)

Approved for use through 07/31/2006, OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

34420.00.0003

First named inventor: Helmut Koelle

Application No.: 10/069,811

Art Unit: 3653

Filed: 07/08/2002

Examiner: Kaitlin S. Joerger

Title: Method and Device for Transferring At Least Two Shingled Sheets to a Sheet Handling Machine

Attention: Office of Petitions

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Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 308-6916

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1460.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Amendment and Response

(identify type of reply):

- ☒ has been filed previously on November 26, 2003
- ☐ is enclosed herewith.

B. The issue fee of \$ _____

- ☐ has been paid previously on _____
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/64 (08-03)

Approved for use 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

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3-24-04
Date

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Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

Copy of stamped return receipt postcard; copy of Petition for Extension of Time (1 mo.); Petition to Withdraw

☒ Other: Abandonment Due to PTO Error. Statement of Personal Knowledge By Patricia O'Donoghue Regarding First

Class Mailing, facsimile transmittal form.

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

3-24-04
Date

Christine A. Wright
Signature
Christine A. Wright

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